

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

BURNETTE AVAKIAN

PLAINTIFF

V.

CIVIL ACTION NO. 1:12-CV-00139-SA-DAS

CITIBANK N.A.

DEFENDANT

**ORDER**

Pursuant to a memorandum opinion issued this day, Defendant's Motion for Summary Judgment [47] is DENIED. Additionally, summary judgment is GRANTED in part in favor of Plaintiff. The Court finds the only genuine dispute of material fact to be whether Plaintiff and her husband were living together at the time of the execution of the deed of trust at issue such that Section 89-1-29 would apply. Accordingly, this matter shall proceed to trial on this sole remaining issue.

SO ORDERED on this, the 30th day of January, 2014.

/s/ Sharion Aycock

**UNITED STATES DISTRICT JUDGE**